

October 27, 2015

A work session of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 6:15 p.m., October 27, 2015.

Members present: Mayor Robert T. Wandrei; Councilman Tim Black; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Vice Mayor Steve C. Rush; Councilman Beckham A. Stanley; and Councilman James A. Vest

Members absent: None

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting.

Sonia Jammes, Finance Director, reported on the electric bond refinancing. Ms. Jammes said the process is continuing. AMP Ohio is doing the feasibility study and AMP has sent request forms to the Town for additional information. Ms. Jammes said AMP needs a five-year forecast of the Town's capital improvements and the three most historical years of expenses. She stated that AMP has requested to receive the information by November 2. Ms. Jammes said it was determined that it would be less expensive and more efficient for AMP Ohio to perform the feasibility study.

Town Manager Kolakowski said the staff is working on updating capital projects in conjunction with the refinancing and budget development. Several updated proposals have been received within the past week. Mr. Kolakowski stated that the staff hopefully will be able to meet with the Electric Committee and the entire Council in the next several weeks to review the different projects and options that are available.

Councilman Vest said that he would be out of town the week of the November 9th and he would like to have the meeting before that if possible or either the week after November 9th.

The Town Manager said the Town is having a problem with a small group, but a persistent group, of property owners who are not maintaining their properties. Notices have been sent out. Mr. Kolakowski said there are a number of persistent violators that do not maintain their property unless they get a notice, they are using the Town as a timekeeper and a yard maintenance group, and that is not the Town's function.

The proposal to change the ordinance follows:

- 1. Only one notice of violation during the growing season (April 1 through November 31) will be sent to a property owner warning them to maintain their property. If at any time during the season that their property falls into non-compliance again, the required work will be done automatically and the expenses will be due to the property owner. Notice of the work being done and associated expenses will be sent to the owner.

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- 2. In addition to the expenses involved, a progressive series of civil penalties will be assessed with each violation. For example, fifty dollars for the first offense, two hundred for the second, and five hundred for any further violations during any one growing season.

Vice Mayor Rush asked if all of the property owners were out of state. Mr. Kolakowski said that the vast majority are out of town or the property is not owner occupied.

The Vice Mayor asked if the property owners could be taken before the General District Court.

Town Attorney Berry explained there are three ways to try to collect the money: 1. It is a misdemeanor for state residents. 2. There are some provisions for civil penalties. 3. There are a number of statutes in Virginia, most of them dealing with nuisances. Mr. Berry indicated he is working on a proposed ordinance.

Councilman Carson asked if these are properties that people own, or just bought and moved away from, or properties that have been bought at auction as an investment by out-of-towners.

Mr. Berry said the two that he is working on now are properties that were owned by two people who died in 1986 and it is difficult to determine who the owners really are. He explained that the best way to get the money is through the abatement process.

Debbie Roberts, Treasurer, explained the current procedure: when the letters go out the number of days are given; the Treasurer's Office receives a copy of the letters; after 60 days, the Treasurer adds the fee to the real estate tax. Ms. Roberts said any that go past the 60 days are added to the real estate tax map number of the property. She said there is no extra fee added. The administrative fee has been set at \$35.00.

Mr. Berry said an administrative fee that is more reasonably calculated to cover the costs needs to be set.

Discussion ensued about setting the fees.

Councilman Black moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel concerning litigation. Councilman Hailey seconded the motion. The motion was voted upon and carried unanimously by the following roll call vote:

Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye

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Councilman Vest	aye
Mayor Wandrei	aye

Council adjourned into closed session at 6:40 p.m. The following non-council members attended: Town Manager Kolakowski, Town Attorney W. W. Berry, IV, Assistant Town Manager, Barrett Warner, Clerk of the Council Teresa W. Hatcher, Finance Director Sonia Jammes, Chief of Police Todd Foreman, Administrative Assistant Debra Anderson, and Electric Director John Wagner.

Council reconvened into open session at 6:50 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the Town of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Vice Mayor Rush, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Mayor Wandrei	aye

Town Manager Kolakowski reported that a letter had been received from Habitat for Humanity requesting a service.

Mr. Warner said that Habitat for Humanity is requesting the Town to provide, at no cost, a 200 AMP, underground service drop from the utility pole to the meter base, approximately 100 feet to a new house at 505 Lee Street. Mr. Warner said that the Electric Director advises that the cost would be \$471.00.

The Mayor said that this matter would be deferred to the regular Council meeting that begins at 7:00 p.m.

Mayor Wandrei adjourned the meeting at 6:52 p.m.